

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BRYAN CARY,

Plaintiff,

Civil Action No. 22-10349

Honorable Jonathan J.C. Grey

v.

KIM FARRIS,

Defendant.

_____ /

**ORDER ADOPTING REPORT AND
RECOMMENDATION (ECF No. 45) and
DISMISSING CAUSE OF ACTION WITH PREJUDICE**

Pro se plaintiff Bryan Cary filed this 42 U.S.C. § 1983 lawsuit against defendant Kim Farris alleging a violation of his Eighth Amendment rights. This matter comes before the Court on Magistrate Judge Patricia T. Morris's Report and Recommendation dated July 25, 2023. (ECF No. 45.) In the Report and Recommendation, the Magistrate Judge recommends that the Court *sua sponte* dismiss Cary's cause of action under Federal Rule of Civil Procedure 41(b) and Local Rule 41.2 for failure to prosecute. No party has filed an objection to the Report and Recommendation.

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party's failure to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

For the reasons stated above,

IT IS ORDERED that the Report and Recommendation dated July 25, 2023 (ECF No. 45) is **ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that plaintiff's cause of action should be, and is, **DISMISSED WITH PREJUDICE**.

IT IS ORDERED.

Dated: August 15, 2023

s/Jonathan J.C. Grey
JONATHAN J.C. GREY
UNITED STATES DISTRICT JUDGE

Certificate of Service

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 15, 2023.

s/ S. Osorio
Sandra Osorio
Case Manager